IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA ROCK HILL DIVISION

Lonte Anthony Sumpter,	Civil Action No.: 0:20-ev-01770-JMC
Plaintiff,)	
v.)	ORDER
Georgetown County Detention Center,	
Defendant.))))

This matter is before the court upon review of the Magistrate Judge's Order and Report and Recommendation filed on July 30, 2020 ("Report"). (ECF No. 27.) The Magistrate Judge recommended that Plaintiff's¹ Amended Complaint (ECF No. 21),² alleging a claim under 42 U.S.C. § 1983 for Defendant's alleged failure to attend to Plaintiff's medical needs when he slipped out of a shower at Defendant's facility, be dismissed with prejudice and without issuance of service of process for failing to state a claim. The Report sets forth in detail the relevant facts and legal standards on this matter, which the court incorporates herein without a recitation.

The Report is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court, and the recommendation has no presumptive weight. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The responsibility to make a final determination remains with the court. *Id.* at 271. As such, the court is charged with making *de novo* determinations of those portions of the Report to which specific objections are filed and reviews those portions which are not objected to –

¹ Plaintiff, proceeding *pro se* and *in forma pauperis*, was a prisoner at the Georgetown County Detention Center.

² Plaintiff filed two Amended Complaints (ECF Nos. 13, 21) after the Magistrate Judge ordered him to correct the identified deficiencies. The Magistrate Judge and the court consider the most recently filed Amended Complaint (ECF No. 21) as the pleading in effect because both Amended Complaints are substantively the same.

including those portions to which only "general and conclusory" objections have been made – for clear error. *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005); *Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983); *Opriano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). "[I]n the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Diamond*, 416 F.3d at 315 (quoting Fed. R. Civ. P. 72 advisory committee's note). The court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

Plaintiff timely filed an objection (ECF No. 32) to the Report; however, his objections are nonspecific and do not relate to the Magistrate Judge's findings or conclusions in the Report. Plaintiff merely claims that "they keep saying I didn't fill out all my information about my law suit again . . . but all the paper they sent me I fill them out [and] sent them back in" (*Id.* at 1.) The Magistrate Judge had directed Plaintiff to cure the deficiencies in his Amended Complaint by plausibly alleging whether a detention center official violated his rights. (*Id.* at 2), which he failed to do. Failure to file specific objections constitutes a waiver of a party's right to further judicial review, including appellate review, if the recommendation is accepted by the district judge. *See United States v. Schronce*, 727 F.2d 91, 94 & n.4 (4th Cir. 1984). In the absence of specific objections to the Report, this court is not required to give any explanation for adopting the recommendation. *See Camby*, 718 F.2d at 199.

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After a thorough review of the issues in this case and the Report, the court finds that the

Report provides an accurate summary of the facts and law and does not contain clear error. The

court ACCEPTS the Magistrate Judge's Order and Report and Recommendation (ECF No. 27),

and therefore, DISMISSES Plaintiff's Amended Complaint with prejudice and without issuance

of service of process (ECF No. 21).

IT IS SO ORDERED.

J. Michelle Childs

United States District Judge

September 4, 2020 Columbia, South Carolina